IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-882

MICHAEL STEVE WODOSLAWSKY,
Petitioner,

v.

STATE OF MARYLAND,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

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Your Petitioner, Michael Steve Wodoslawsky, respectfully prays that a Writ of Certiorari issue to review the judgment of the Court of Appeals of Maryland entered in this proceeding on September 23, 1977.

OPINIONS BELOW

Opinion of the Court of Special Appeals of Maryland in *Wodoslawsky v. State,* 36 Md. App. 654 (1977), and

Order of the Court of Appeals of Maryland in Petition No. 253, September Term, 1977, dated September 23, 1977, are appended hereto.

JURISDICTION

The judgment of the Court of Appeals of Maryland, denying review by Certiorari, was entered on September 23, 1977. Jurisdiction of this Court is invoked pursuant to Title 28, Section 1257(3), United States Code, and Supreme Court Rule 19(1)(a), on the grounds that the Court of Appeals of Maryland has decided a Federal question not in accord with applicable decisions of this Court.

QUESTION PRESENTED

Does the simple statement by a foreman, without inquiry of other jurors, that a jury appears to be deadlocked, sanction a sua sponte mistrial, avoid the bar of double jeopardy to a subsequent re-prosecution, and satisfy the manifest necessity rule set down in *United States v. Perez,* 9 Wheaton 579, 6 L. Ed. 165, (1824).

CONSTITUTIONAL PROVISIONS

Amendment V. — United States Constitution

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Your Appellant, Michael Steve Wodoslawsky, was twice charged with the same crime of manslaughter by auto, first by statement of charges filed in the District Court for Montgomery County, Maryland on November 25, 1975, and secondly by indictment brought by the Grand Jurors for Montgomery County, on January 8, 1976, in the Circuit Court. When the indictment was found, the District Court case was "returned to the files", on January 8, 1976, at the request of the State. The Circuit Court indictment came on for trial, before a jury, on June 21, 1976, and was given to them for deliberation at approximately Noon on June 24, 1976. Their task was to consider the testimony of nine State witnesses and seven defense witnesses, two of whom were medical doctors, and three in rebuttal. Forty-two exhibits were admitted into evidence, thirty for the State and Twelve for the Defendant. Shortly after the jury retired, their lunch was brought in, and they were taken out to dinner at 7:00 P.M., with an admonishment not to discuss the matter. During the course of the trial, they had passed two notes to the trial judge, and sent out five more during their deliberations, none of which were answered by the Court. They resumed deliberation at approximately 8:30 P.M., and at 10:30 P.M. sent in their last note indicating "It appears that a verdict cannot be reached". The Court accepted the statement of the foreman as conclusive, made no inquiry of counsel or any other juror, and declared a sua sponte mistrial. After hearing three and one-half days of intense testimony, lengthy argument, and involved instructions, having attempted to review a total of forty-two exhibits, including several photographs, x-rays, and complex diagrams, the one and only colloquy between the Court and jury terminated the matter. (See page 3, Court of Special Appeals Opinion).

> "(The Court) Mr. Foreman, the latest communication here would indicate that you have reached a

point where you have agreed that you are going to disagree; is that right?

(The Foreman) Yes, sir.

(The Court) I gather that you feel that no matter how much more deliberations you have that you would not be able to come to a verdict in this matter?

(The Foreman) That is a consensus of the jury; yes, sir.

(The Court) All right, well, you will be discharged, then. I appreciate very much your service in this matter. I am sorry that you couldn't give us a verdict, but that is the way our system works. You are excused now. You won't be needed tomorrow. Of course, you will have to call in over the weekend and see whether you are needed Monday."

On July 12, 1976, the Petitioner filed a Motion to Dismiss indictment, alleging that there was no manifest necessity for the sua sponte mistrial, and that further prosecution was barred by double jeopardy. This Motion was heard by the Honorable H. Ralph Miller on July 16, 1976 and denied on the basis that "While it may have been more preferable to ask a few more questions or to seek the advice of counsel, after nine hours of deliberation I feel there is nothing improper in declaring a mistrial". See Page 4, Opinion of Court of Special Appeals.

REASONS FOR GRANTING THE WRIT OF CERTIORARI

REPROSECUTION OF AN ACCUSED IS BARRED BY DOUBLE JEOPARDY, FOLLOWING A LIGHTLY UNDERTAKEN SUA SPONTE MISTRIAL, REGARDLESS OF THE GROUNDS FOR SUCH MISTRIAL.

Over 153 years ago, the predecessors of Your Honors ruled that a sua sponte mistrial, following inability of a jury to agree upon a verdict, did not necessarily bar

farther prosecution on double jeopardy grounds. However, stringent cautionary guidelines were set forth.

> "We think, that in all cases of this nature, the law has invested courts of justice with the authority to discharge a jury from giving any verdict, whenever, in their opinion, taking all the circumstances into consideration, there is a manifest necessity for the act, or the ends of public justice would otherwise be defeated. They are to exercise a sound discretion on the subject; and it is impossible to define all the circumstances, which would render it proper to interfere. To be sure, the power ought to be used with the greatest caution, under urgent circumstances, and for very plain and obvious causes * * *". *United States v. Perez, supra.*

Indeed, the Court of Appeals of Maryland, in *Jourdan v. State,* 275 Md. 495, (1975), concluded that there were reasonable alternatives to a mistrial, when a prosecutor became ill during the trial, and concluded that a retrial was barred by double jeopardy, after a sua sponte mistrial.

> "It has been settled that the Constitutional prohibition against double jeopardy permitted a retrial following a mistrial only if there was manifest necessity for the mistrial, and that the discretionary power of a Court to declare a mistrial ought to be used with the greatest caution, under urgent circumstances, and for very plain and obvious causes". P. 510.

Since the jury had been empaneled and sworn, and all of the sworn testimony taken, jeopardy had attached prior to the time of the mistrial. *Serfass v. United States,* 420 U.S. 377, 388, 95 S. Ct. 105, 1062, 43 L. Ed. 2d 265 (1975).

Although the opinion of the Court of Special Appeals of Maryland, as sanctioned by the Court of Appeals, implies that the simple, uncorroborated statement of a jury foreman, without inquiry whatsoever by the Court,

of any juror, or counsel, is sufficient grounds for a mistrial, your Petitioner suggests that *Illinois v. Somerville,* 410 U.S. 458, 467, 93 S. Ct. 1066, 172, 35 L. Ed. 2d 425 (1973), holds otherwise.

> "In cases in which a mistrial has been declared prior to verdict, the conclusion that jeopardy has attached begins, rather than ends, the inquiry as to whether the double jeopardy clause bars retrial. That, indeed, was precisely the rational of United States v. Perez, and subsequent cases. Only if jeopardy has attached is a Court called upon to determine whether the declaration of a mistrial was required by manifest necessity or the ends of public justice."

This Honorable Court has applied the "manifest necessity" doctrine set forth in Perez, as a standard of appellate review for testing the trial judge's exercise of his discretion in declaring a mistrial, without the Defendant's consent. *Simmons v. United States,* 142 U.S. 148 (1891), (Reprosecution not barred where mistrial declared because letter published in newspaper rendered juror's impartiality doubtful); *Logan v. United States,* 144 U.S. 263 (1892), (Reprosecution not barred where jury discharged after forty hours of deliberation for inability to reach a verdict); *Thompson v. United States,* 155 U.S. 271 (1894), (Reprosecution not barred where jury discharged because one juror had served on Grand Jury indicting Defendant), *Wade v. Hunter,* 336 U.S. 684 (1949), (Retrial not barred where military court martial due to tactical necessity in field). Although Logan sanctioned a retrial, the Court applied the Perez doctrine of manifest necessity to cases where a jury appears to be deadlocked.

> "Whether discharge was manifestly necessary in order to prevent a defeat of the ends of justice was a question to be finally decided by the presiding judge in the sound exercise of his discretion".

In *United States v. Jorn,* 400 U.S. 470, Your Honors proscribed a mistrial declared by the trial judge in order that a witness could consult with the attorneys, and alluded to the option of the accused to move for a mistrial or to continue on with the proceedings. Outlining the rights of a Defendant, Your Honors stated:

> "The Fifth Amendment's prohibition against placing a Defendant twice in jeopardy represents a Constitutional policy of finality for the Defendant's benefit in Federal criminal proceedings. * * * The Perez doctrine of manifest necessity stands as a command to trial judges not to foreclose the Defendant's option until scrupulous exercise of judicial discretion leads to the conclusion that the ends of public justice would not be served by a continuation of the proceedings."

In *Downum v. United States,* 372 U.S. 736, a retrial was barred, after a mistrial was declared, because a key witness was not present to testify, following swearing of the jury. Although stating that the classix example is a mistrial because a jury is unable to agree, Your Honors further stated:

> "We resolve any doubt in favor of the liberty of the citizen, rather than exercise what would be unlimited, uncertain, and arbitrary judicial discretion."

In *Gori v. United States,* 367 U.S. 369, Your Honors stated:

> "Where for reasons deemed compelling by the trial judge, who is best situated intelligently to make such a decision, the ends of substantial justice cannot be obtained without discontinuing the trial, a mistrial may be declared without the Defendant's consent and even over his objection, and he may be retried consistently with the Fifth Amendment."

Running through all of the cases herein cited, your Petitioner represents that sound discretion must be

applied, in light of the manifest necessity standard, whenever a sua sponte mistrial is declared, without the consent of the accused, in order to bar application of the double jeopardy standard, whether the mistrial is declared by reason of a deadlocked jury, or otherwise. Sound discretion must necessarily imply some action to determine if there is a bona fide deadlock. It seems reasonably apparent, from the short colloquy between the Court and jury foreman, and a reading of the Court of Special Appeals opinion, that the sole factor considered was the length of time that the jury deliberated in this case. A holding based on this sole criterion conflicts with prior decision of the Court of Special Appeals of Maryland.

> "While it is not essential to consider Appellant's remaining contention, that coercion is inherent when a jury is required to deliberate six hours after a three hour trial, we have found no support for such a proposition, and, indeed, consider it at variance with the authority cited in the commentary to Section 5.4 of the ABA standards. The determining factor is the conditions under which the jury is required to deliberate, not the total length of time." *Smoot v. State,* 31 Md. App. 138, 152.

Following this traumatic three and one-half day trial, with its substantial complexities, the jury was out a total of ten and one-half hours, one and one-half hours of which was devoted to dinner, without consideration of the case. They had received lunch, in the jury room, shortly after they retired to deliberate. Upon receipt of the first and only note indicating a possible deadlock, the trial judge presumed such deadlock to be unquestioned, and did not afford the petitioner his option to proceed with the trial, or move for a mistrial. He did not poll the jury to determine if the "consensus" of a deadlock was bona fide. He did not study the alternative of sending the jury home for the night, or consult with counsel regarding this possibility. If time is to be

the sole determining factor, before a mistrial is declared, where is the line to be drawn?

Quite obviously, the complexities of the case must, of necessity, weigh heavily in the decision of a trial judge to abort the proceedings, and subject the Defendant to the substantial expense, anxiety, and harassment of another trial. The facts which gave rise to these proceedings occurred over two years ago. Your Petitioner finds himself no closer to resolution of the matter than he was the day he was arrested. All juries, in criminal cases, except in rare instances, are initially divided as to their verdict. Given sufficient time, these differences generally can be resolved.

CONCLUSION

Your Petitioner prays that Your Honors grant him the Writ of Certiorari, directed to the Court of Appeals of Maryland, so that the entire record may be examined, for a determination by Your Honors as to whether or not additional time, and guidance by the Court, would not have been a more studious approach.

Respectfully submitted,

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APPENDIX A

In the Court of Special Appeals of Maryland

No. 821

September Term, 1976

Michael Steve Wodoslawsky
v.
State of Maryland

MORTON, MENCHINE, AND MASON, JJ.

(Filed July 7, 1977)

MORTON, J.

On November 24, 1975, an automobile operated by appellant, Michael Steve Wodoslawsky, collided with a vehicle driven by Bernard Wilson, resulting in the death of Elizabeth Wilson, a passenger in the Wilson vehicle. On the following day appellant was charged in the District Court for Montgomery County with the crime of manslaughter by automobile. On January 8, 1976, he was indicted by the grand jury for Montgomery County for the same offense. The pending district court charge was then marked "returned to the files." Shortly thereafter appellant was arraigned in the Circuit Court for Montgomery County at which time he entered a plea of not guilty and requested a jury trial.

On June 21, 1976, trial began in the circuit court (Latham, J., presiding) pursuant to the indictment. At

the close of the state's evidence, appellant moved to dismiss the indictment on the basis that although the circuit court and district court have concurrent jurisdiction in manslaughter by automobile cases,[1] the state, by virtue of having filed charges first with the district court, thereby selected its forum and thus precluded trial for this offense in the circuit court. In overruling the motion the trial judge reasoned:

> "I will tell you right now, Mr. Noyes [defense attorney], my essential ground for that is that I think that when he came in here on January 23, 1976, and entered a plea of not guilty to this particular indictment, and more importantly, requested a trial by jury that this is the only court that can give him that trial by jury, and he then had for all purposes divested the District Court of any jurisdiction in the matter. * * * Secondly, I think that he cannot sleep on his rights, so to speak, and have that matter pending down in the District Court and come in here and plead and ask for his jury trial and then after all this delay and the trial is halfway through raise this point."

The trial continued until approximately noon on June 24, 1976, at which time the jury retired to deliberate. During the course of their deliberations, the jury sent five notes to the trial judge requesting copies of the relevant portions of the Motor Vehicle Code, information as to the authority of the police to obtain breath or blood samples, portions of Wilson's testimony on direct, cross-examination and redirect, a note as to why they had made such requests and an inquiry as to whether there was a body of case law relating to causes other than gross negligence and causality. The members of the jury adjourned for dinner at 7 p.m. with an admonishment not to discuss the matter, returned around 8:30 p.m. and at 10:30 p.m. sent their last note to the court stating that they had "reached a point wherein it appears that a verdict cannot be reached."

[1] *See* Courts & Judicial Proceedings Article, § 4–302(c); Md. Code, art. 27, § 388.

They were returned to the court room at 10:45 p.m. whereupon the following colloquy ensued:

> "(The Court) Mr. Foreman, the latest communication here would indicate that you have reached a point where you have agreed that you are going to disagree; is that right?
>
> (The Foreman) Yes, sir.
>
> (The Court) I gather that you feel that no matter how much more deliberations you have that you would not be able to come to a verdict in this matter?
>
> (The Foreman) That is a consensus of the jury; yes, sir.
>
> (The Court) All right, well, you will be discharged, then. I appreciate very much your service in this matter. I am sorry that you couldn't give us a verdict, but that is the way our system works. You are excused now. You won't be needed tomorrow. Of course, you will have to call in over the weekend and see whether you are needed Monday."

Thereafter, on July 8, 1976, a proceeding was held in the district court wherein the state entered a "*nolle prosequi* on the record." Appellant objected to the entry of the *nolle prosequi* arguing that his pending motion to dismiss the charges for lack of a speedy trial would not receive consideration. During the course of his argument appellant submitted two exhibits into evidence, namely, a copy of the circuit court indictment and a copy of the circuit court docket entries. The trial judge denied appellant's request for a hearing on the speedy trial motion, reasoning that such motion was rendered moot by the entry of the *nolle prosequi*.

Prior to his retrial in the circuit court, appellant filed therein a "Motion to Dismiss per Autrefois Acquit." At the hearing on this motion (Miller, J., presiding) held on July 16, 1976, appellant asserted (1) that there was no "manifest necessity" for the mistrial in the circuit court and (2) that by virtue of the district court proceedings,

further prosecution would amount to double jeopardy. In denying the motion, the trial judge stated:

> "The Court has had an opportunity, Mr. Noyes, to read the authorities that you cite, and, first of all, with regard to the declaration of a mistrial, while the cases do say that you should not declare a mistrial except for reasons of manifest necessity, they go on to say except for the most obvious reasons, and the Court feels that those cases deal with where a prosecutor was sick, and where a witness said something out of the courtroom, and I feel relatively certain the 'most obvious' reason is where the jury is hung.
>
> While it may have been more preferable to ask a few more questions or to seek the advice of counsel, after nine hours of deliberation I feel that there is nothing improper in declaring a mistrial.
>
> Now as far as the second ground goes, it is true that Maryland has adopted the hearing of evidence rule as opposed to the swearing of first witness in a non-jury trial, but the *Blondes* [*v. State,* 273 Md. 435 (1975)] case makes it abundantly clear to me that the evidence must be received before the entry of a nol pros, and that was not done in this case. Therefore, the motion is denied, the plea of jeopardy is denied."

Appellant thereupon filed this appeal (*see Neal v. State,* 272 Md. 323, 326 (1974)) and first contends that "the Circuit Court for Montgomery County had no jurisdiction over the subject matter of this case."

Appellant essentially asserts that "where each of two courts has concurrent jurisdiction, the court in which suit is first instituted is entitled to retain jurisdiction and the second court is without power to interfere." *Pinkston, Tr. v. Higham,* 224 Md. 513, 517 (1961). *See also Woodcock v. Woodcock,* 169 Md. 40 (1935); *Withers v. Denmead,* 22 Md. 135 (1864). He argues, on the basis of this rule, that once the state filed in the district court the charge of manslaughter by automobile, the state was powerless thereafter to have appellant indicted by

the grand jury on the same charge and try him in the circuit court. It is a well established rule in civil cases that where courts have concurrent jurisdiction over the same subject matter, the court in which suit is first instituted retains jurisdiction to the exclusion of the coordinate court. We are not convinced, however, that this rule has application in criminal cases. Appellant has referred us to no case in which it has been so held. On the other hand, we think there are sound reasons why the rule should not be extended to criminal cases.

It is, of course, true that the state could not bring identical charges against an individual in courts having concurrent jurisdiction over the subject matter of the charges and then proceed to trial thereon in each court since the accused's right to be free from being placed in double jeopardy would thereby be violated. But we know of no rule or principle of law, constitutional or otherwise, which compels the state, when it initially brings criminal charges against an individual, to make a binding election as to the forum in which the charges will ultimately be tried, any more than the state can be compelled to make a binding election that it bring the charges in the form of a warrant, an information, an indictment or any other form of charging the individual. In our view the state's attorney has the choice, subject to statutory and constitutional proscription, to determine the mode or means he will employ to initiate the criminal charges and the forum in which the ultimate trial will be conducted. *See Murphy v. Yates,* 276 Md. 475 (1975); *State v. Hunter,* 10 Md. App. 300 (1970); *Greathouse v. State,* 5 Md. App. 675 (1969).

Here the state's attorney was privileged to file the charging document in the district court or to proceed by way of an indictment. He apparently decided to take both courses and then elected to conduct the trial in the circuit court. Since there was no showing of any harassment of appellant or unlawful prejudice to him, we think appellant could not validly complain. Actu-

ally, appellant made no complaint until after the state had concluded putting on its case to the jury before whom appellant had elected to be tried. Under the circumstances we cannot subscribe to the argument that the circuit court had no jurisdiction over the subject matter of this case.

We find no merit in appellant's second contention that it was error to deny his motion to dismiss the indictment because there was no manifest necessity to declare a mistrial at the conclusion of appellant's first trial in the Circuit Court for Montgomery County and, therefore, a second trial would violate his right to be free from being placed twice in jeopardy for the same offense.

Well over a century ago the Supreme Court of the United States held that the double jeopardy provision in the Fifth Amendment of the Federal Constitution did not preclude a retrial where the mistrial was declared because of the jury's inability to reach a verdict. *See United States v. Perez,* 9 Wheat. 579; 6 L. Ed. 165 (1824). The fifth amendment double jeopardy provision has been held to be binding in state criminal prosecutions by virtue of the Fourteenth Amendment of the United States Constitution. *See Benton v. Maryland,* 395 U.S. 784 (1969). The Court of Appeals stated in *Cornish v. State,* 272 Md. 312, 318 (1974): "Ordinarily a retrial is permitted where the mistrial was caused by the jury's inability to reach a verdict." (Citations omitted.)

In the case *sub judice,* the jury retired to deliberate at noon and communicated its inability to reach a verdict to the court at 10:30 p.m. Deducting the time spent for dinner, the jury had deliberated approximately 9½ hours when they informed the court that they had "reached a point wherein it appears that a verdict cannot be reached." The trial judge thereafter inquired of the foreman if the jury would be able to reach a verdict if more time were allotted, to which he replied that it was the "consensus" of the jury that more time would prove fruitless. The jury's frustration was also

evidenced by the numerous messages which were sent to the court requesting clarification of the pertinent law and facts.

It is apparent to us that the trial judge had little recourse but to declare a mistrial. It is difficult to see what could have been accomplished if more time had been afforded to deliberate. Indeed, had the court refused to declare a mistrial when it did, an atmosphere of coerciveness to reach a decision would have conceivably been created. *See Smoot v. State,* 31 Md. App. 138 (1976). We find no appeal in appellant's assertion that "[t]he trial Judge could have considered an Allen type charge,[2] or consulted with counsel regarding the giving of such charge." In the first place appellant did not seek consultation with the trial judge or request that such an instruction be given to the jury. In the second place, "resort to this charge and the circumstances under which it should be given is a matter generally considered to be within the sound discretion of the presiding judge." *Fletcher v. State,* 8 Md. App. 153, 155 (1969). Moreover, the use of the "Allen" charge has been roundly condemned by many state and federal courts on the grounds that it is coercive and intrudes upon the functions of the jury. *See Burnette v. State,* ___ Md. ___, 371 A.2d 663, 665 (No. 106, September Term, 1976, decided April 7, 1977). Under the circumstances we see no error in the judge's denial of appellant's motion to dismiss the indictment.

Finally, we do not agree with appellant's last contention that "jeopardy attached in the District Court proceedings" held on July 8, 1976. The point in the proceedings where jeopardy attaches was spelled out by the Court of Appeals in *Blondes v. State,* 273 Md. 435, 443-45 (1975):

> "One aspect of the double jeopardy prohibition which is firmly settled in this state as a common law principle, is that the entry of a *nolle prosequi,* without the defendant's consent, and after jeo-

[2] *See* Allen v. United States, 164 U.S. 492 (1896).

pardy has attached, operates as an acquittal and precludes further prosecution for the same offense. * * *

On the other hand, where a *nolle prosequi* is entered before jeopardy attaches, the State is only precluded from prosecuting the defendant further under that indictment, but the defendant may be proceeded against for the same offense by another indictment or information. * * *

* * * * * *

The Supreme Court has held 'that a defendant is placed in jeopardy in a criminal proceeding once the defendant is put to trial before the trier of the facts, whether the trier be a jury or a judge' or that '"jeopardy attaches" when the trial commences . . . .' *United States v. Jorn*, 400 U.S. 470, 479, 480, 91 S. Ct. 547, 554, 555, 27 L. Ed. 2d 543 (1971). The problem in particular cases is in determining when a defendant is 'put to trial' or when 'the trial commences.'

> It is generally held that, with respect to a jury trial, a defendant is placed in jeopardy when the jury is selected and sworn. * * *
>
> As to a non-jury trial, the normal rule is that the trial commences, and thus jeopardy attaches, when the judge begins to hear or receive evidence. * * * Usually, this will be when the first witness begins to testify. However, it could be when documentary evidence is submitted, such as a stipulation or the record of prior proceedings * * * or when the defendant pleads guilty to the charges and this establishes his guilt * * *."

The record is clear that at the very outset of the district court hearing, the prosecuting attorney announced: "Your Honor, the State would enter a *nolle prosequi* on the record per instructions from Thomas Heeney of the State's Attorney's Office." Defense counsel, in arguing his objection thereto, submitted a copy of the circuit court indictment and docket entries into evidence. Appellant asserts that this is sufficient to constitute a "submission of documentary evidence"

under *Blondes*. We disagree. Clearly, the state's attorney proffered the *nolle prosequi* before the entry of these records into evidence. It is of no avail to appellant that the trial judge allowed counsel to argue his request for a hearing on the speedy trial motion during the course of which the aforementioned records were incidentally submitted.

Denial of Appellant's Motion
to Dismiss the Indictment,
Affirmed;
Costs to be paid by Appellant.

APPENDIX B

ORDER

In the
Court of Appeals of Maryland

Petition Docket No. 253

September Term, 1977

(No. 821, September Term, 1976
Court of Special Appeals)

Michael Steve Wodoslawsky
v.
State of Maryland

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ ROBERT C. MURPHY,
Chief Judge.

Date: September 23, 1977.